

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names,

We believe we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled GRAPHIC USER INTERFACE FOR A PATIENT VENTILATOR, the specification of which (check one)

\_\_\_\_\_ is attached hereto

X was filed on March 14, 1997

Application Serial No. 08/818,201

and was amended on (or amended through \_\_\_\_\_  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

NONE

Number	Country	Day/Month/Year filed	Yes	No
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We hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the



filing date of the prior application and the national or PCT international filing date of this application.

<u>Appln. Serial No.</u>	<u>Filing Date</u>	<u>Status</u> (patented, pending abandoned)
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

JAMES W. PAUL, Registration No. 29,967, DAVID G. PARKHURST, Registration No. 29,422, RICHARD A. BARDIN, Registration No. 20,365, and GILBERT B. KOVELMAN, Registration No. 19,552. Direct all telephone calls to James W. Paul, at telephone No. (310) 824-5555.

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP  
10877 Wilshire Boulevard, 10th Floor  
Los Angeles, California 90024



Full name of first inventor: CHARLES L. WALLACE

Inventor's signature: Charles L. Wallace

Date: 30 May 1997

Residence: ~~San Marcos, California~~ Encinitas, CA (CLW)  
Encinitas, California

Citizenship: USA

Post Office Address: ~~1501 Casa Real Lane~~ ~~San Marcos, CA 92069~~ ~~7702 Camino Leon Apt F204~~  
~~Encinitas, CA 92024~~  
188 Avenida Mimosa  
Encinitas, CA 92024 (CLW)

Full name of second inventor: WARREN G. SANBORN

Inventor's signature: Warren G. Sanborn

Date: 29 May 1997

Residence: Escondido, California

Citizenship: USA

Post Office Address: 428 Avenida Adobe  
Escondido, CA 92025

Full name of third inventor: DAVID ARNETT

Inventor's signature: David Arnett

Date: 25 JUN 1997

Residence: ~~Fallbrook, California~~ Half Moon Bay, California  
DAB

Citizenship: USA

Post Office Address: ~~3648 Lupine Lane~~ 400 Fairway Drive  
~~Fallbrook, CA 92028~~ Half Moon Bay CA 94019  
DAB



Full name of fourth inventor: JAY BUTTERBRODT

Inventor's signature: Jay C. Butterbrodt

Date: 7/31/97

Residence: ~~-Carlsbad, -California--~~ Lawrenceberg, Indiana <sup>JTB</sup>

Citizenship: USA

Post Office Address: ~~-2721 Argonauta Street--~~ 20334 Rosemead Lane  
~~-Carlsbad, -CA 92009-----~~ Lawrenceberg, IN 47025 <sup>JTB</sup>

Full name of fifth inventor: HOWARD L. FERGUSON

Inventor's signature: Howard L. Ferguson

Date: 7-18-97

Residence: ~~-Olympia, -WA 98502-~~ Elk, WA <sup>HLF</sup>

Citizenship: USA

Post Office Address: ~~7405 Gallagher Cove Road, -NW--~~ E 11006 Boundary Roa.  
~~Olympia, -WA 98502-----~~ Elk, WA 99009 <sup>HLF</sup>



ASSIGNMENT

This Assignment made by CHARLES L. WALLACE of Encinitas, California, WARREN G. SANBORN of Escondido, California, DAVID ARNETT of Half Moon Bay, California, JAY BUTTERBRODT of Lawrenceburg, Indiana and HOWARD L. FERGUSON of Elk, Washington, Assignors, to NELLCOR PURITAN BENNETT INCORPORATED, a Delaware corporation, Assignee, having a place of business at 4280 Hacienda Drive, Pleasanton, CA 94588.

WHEREAS, Assignors have invented a new and useful GRAPHIC USER INTERFACE FOR A PATIENT VENTILATOR, for which an application for United States Letters Patent was filed in the U. S. Patent and Trademark Office on March 14, 1997, as Serial No. 08/818,201 and

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application Serial No. 08/818,201 for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application Serial No. 08/818,201 and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application Serial No. 08/818,201 and any Letters Patent that may be granted for said invention in the United States and throughout



the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns, will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application Serial No. 08/818,201 or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

//



IN WITNESS WHEREOF, Assignors have executed this Assignment  
on the dates written hereinbelow.

Assignors:

Dated: 30 May 1997 Charles L. Wallace  
Charles L. Wallace

Dated: 29 May 1997 Warren G. Sanborn  
Warren G. Sanborn

Dated: 25 JUN 1997 David Arnett  
David Arnett

Dated: 31 JUL 97 Jay Butterbrodt  
Jay Butterbrodt

Dated: 18 July 1997 Howard L. Ferguson  
Howard L. Ferguson



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of SAN DIEGO

On 5/29/97 before me, TERRY JO GENDLER  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared WARREN G. SANBORN

☐ personally known to me -OR- ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose names is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Terry Jo Gendler  
SIGNATURE OF NOTARY

**OPTIONAL SECTION**  
**CAPACITY CLAIMED BY SIGNER**

Though statute does not require the Notary to fill in the date below, doing so may prove invaluable to persons relying on the document.

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☐ CORPORATE OFFICER(S)

- TITLE(S)  
☐ PARTNER(S) ☐ LIMITED  
☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
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SIGNER(S) OTHER THAN NAMED ABOVE \_\_\_\_\_



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

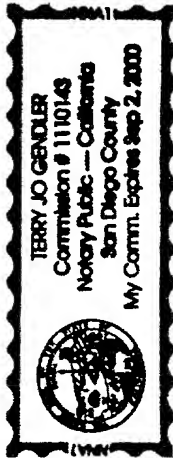
State of CALIFORNIA

County of SAN DIEGO

On 5/30/97 before me, TERRY JO GENDLER  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared CHARLES L. WALLACE

☐ personally known to me -OR- ☒ proved to me on the basis of satisfactory evidence to be the person ~~whoso~~ whose names ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity ~~(ies)~~, and that by his/~~her/their~~ signature ~~(s)~~ on the instrument is the person ~~s~~, or the entity upon behalf of which the person ~~s~~ acted, executed the instrument.



WITNESS my hand and official seal.

Terry Jo Gendler  
SIGNATURE OF NOTARY

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☐ GUARDIAN/CONSERVATOR  
☐ OTHER \_\_\_\_\_

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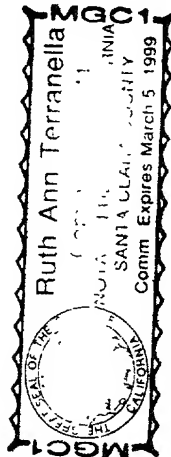
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of FLORIDA  
County of SANTA CLARA

On 6/25/97 before me, RUTH ANN TERRANELLA NOTARY PUBLIC  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared DAVID W. ARNETT

☐ personally known to me -OR- ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Ruth Ann Terranella  
SIGNATURE OF NOTARY

OPTIONAL SECTION  
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☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
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SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)  
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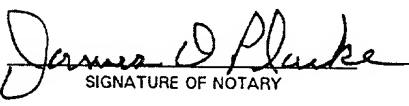
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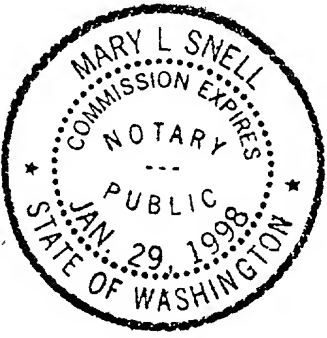
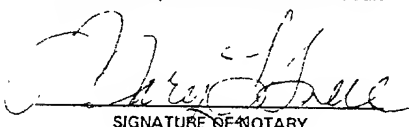


## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of <u>INDIANA</u> County of <u>Ripley</u>		<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">OPTIONAL SECTION</div> <b>CAPACITY CLAIMED BY SIGNER</b>  Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.  <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER(S)  <div style="text-align: center;">TITLE(S)</div> <input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <div style="text-align: right;"><input type="checkbox"/> GENERAL</div> <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER _____  <b>SIGNER IS REPRESENTING:</b> NAME OF PERSON(S) OR ENTITY(IES) _____ _____
On <u>7/31/97</u> before me, <u>JAMES O. PLUCKE</u> <small>DATE</small> <span style="float: right;"><small>NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"</small></span>		
personally appeared <u>JAY BUTTERBRODT</u>		
<input checked="" type="checkbox"/> personally known to me -OR-	<input type="checkbox"/> proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.	
WITNESS my hand and official seal.		
 SIGNATURE OF NOTARY		
<div style="border-top: 1px solid black; border-bottom: 1px solid black; display: inline-block; width: 100%;">OPTIONAL SECTION</div> THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:		
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State of <u>Washington</u> County of <u>Snohomish</u>		<b>OPTIONAL SECTION</b> <b>CAPACITY CLAIMED BY SIGNER</b> Though statute does not require the Notary to fill in the date below, doing so may prove invaluable to persons relying on the document.	
On <u>7/15/07</u> before me, <u>Mary L. Snell, Notary Public</u> <small>DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"</small>		<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER(S)	
personally appeared <u>Howard L. Ferguson</u>		<input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER _____	
<input checked="" type="checkbox"/> personally known to me -OR- <input type="checkbox"/> proved to me on the basis of satisfactory evidence to be the person(s) whose names <del>is/are</del> subscribed to the within instrument and acknowledged to me that he/ <del>she/they</del> executed the same in his/ <del>her/their</del> authorized capacity(ies), and that by his/ <del>her/their</del> signature(s) on the instrument is the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.		TITLE(S) _____	
		SIGNER IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES) _____ _____	
WITNESS my hand and official seal.  SIGNATURE OF NOTARY		<b>OPTIONAL SECTION</b> THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT: TITLE OR TYPE OF DOCUMENT _____ NUMBER OF PAGES _____ DATE OF DOCUMENT _____ SIGNER(S) OTHER THAN NAMED ABOVE _____	

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